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TL1106

July 5, 1988

Luisa Pereira
CDPM
Rua Pinheiro Chagas, 77, 2 esq.
Lisbon
PORTUGAL

Dear Luisa;

I am enclosing two drafts of the chapter on East Timor in Asia Watch's forthcoming report. One is for Cristiano Costa, who wanted an opportunity to review what I wrote about his case and who asked that I send the draft to him via your organization. I would very much appreciate your passing it along to him. I would also be grateful if you could review the other draft, and let me know if you have any comments.

As you will see, there are several issues as to which I need clarification, and you may be in a position to provide it. One concerns the question whether mail is censored -- both within East Timor and between East Timor and elsewhere. I am also unsure of the status of newspapers in East Timor, both in terms of whether any are published locally, and what controls exist with respect to those published in Indonesia.

I would be grateful for any comments you may have on the enclosed draft, and also very much appreciate your assistance during my recent visit to Lisbon.

Sincerely,

Diane

Diane F. Orentlicher
Consultant

STRICTLY CONFIDENTIAL

CHAPTER X

EAST TIMOR

In the 1970s, East Timor -- like Pol Pot's Cambodia and Idi Amin's Uganda -- became an international symbol of mankind's seemingly unbounded capacity to inflict horrors upon itself. The staggering level of violence attending Indonesia's invasion of the Portuguese colony in December 1975, and the continuing episodes of summary execution, disappearances and torture that characterized Indonesia's efforts to subdue resistance in the early years of its occupation, need little elaboration.

Thirteen years after the invasion, the worst excesses of the occupation forces have abated, but the Timorese people continue to suffer daily violations of fundamental rights. The rights to freedom of speech, association and movement remain subject to severe restrictions. Residents consistently describe a climate of fear, reinforced by a pervasive security apparatus.

In recent years, there have been comparatively few documented cases of disappearances, torture or extrajudicial execution, but continued restrictions on access to East Timor by independent investigators make it virtually impossible to obtain reliable information about these practices. And the Indonesian government's failure to account for all but a handful of the many thousands thought to have "disappeared" since 1975 is a continuing affront to the rule of law.

Welcome progress on another front has also served to highlight recent violations. In recent years hundreds of

political prisoners have been released from East Timor's prisons. Many had never been charged or tried, and by all accounts, those who had been convicted received trials lacking any semblance of fair process. Released prisoners and relatives of those still detained describe a pattern of severe abuse during the early days of the prisoners' detention.

Finally, while the Indonesian government allows the International Committee of the Red Cross -- which practices confidentiality respecting information it obtains while providing a range of humanitarian services -- to operate in East Timor and has recently allowed some diplomats and journalists to visit under strictly-controlled circumstances, the territory remains largely shut off from the outside world.

A. BACKGROUND

For over a decade, Indonesia has governed East Timor -- which it formally annexed in July 1986 -- as an occupation force whose sovereignty is not recognized by the United Nations.* The occupation began with Indonesia's invasion of East Timor on December 7, 1975, but the process of transition from Portuguese to Indonesian rule was set in motion some time before then.

The government that came to power in Lisbon in April 1974 was committed to allowing Portugal's colonies to exercise their right to self-determination. In November 1974, Lisbon sent Lemos

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* The right of Timorese to self-determination is beyond the scope of Asia Watch's mandate.

Pires to East Timor to serve as the colony's new governor; his main project was to implement a program of decolonization.

In the wake of Lisbon's decision to end its colonial practices, two main political associations were formed in East Timor; both were committed to the colony's eventual independence. The Associaçao Social Democratica Timorense, which was inaugurated on May 20, 1974 and later became known as the Frente Revolucionaria de Timor Leste (FRETILIN), favored immediate independence. The Uniao Democratica Timorense (UDT), which was founded on May 11, 1988, favored eventual independence following an extended transition period of continued association with Portugal. A small minority of the population supported a third organization, the Associaçao Popular Democratica Timorense (APODETI), which favored integration with Indonesia.

The Indonesian government had never previously laid claim to East Timor. But faced with Timor's imminent decolonization, the Suharto government made it clear that the territory's independence was undesirable, and that independence under FRETILIN control was unacceptable.* Ali Murtopo, then [title], conveyed this during meetings with representatives of the UDT in Jakarta in April and late July 1975. During the months between

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* Informed observers believe that Indonesian authorities were reluctant to allow a precedent for a successful independence movement within the archipelago that might encourage seccessionist movements in Indonesia itself, such as the Organisasi Papua Merdeka in Irian Jaya. Additionally, officials such as General Murtopo are said to have been especially concerned about the prospect of a leftist government coming to power in East Timor [cite Jolliffe; Bonner].

the two meetings, tensions between FRETILIN and the UDT became increasingly sharp, and on August 11, 1975, the UDT staged a coup.

A civil war between FRETILIN and UDT forces lasted from August 20 until September 24, 1974, claiming an estimated 1,500 to 2,000 lives. Portuguese civil and military authorities withdrew from the mainland on August 29, 1974. FRETILIN forces prevailed in the civil war, and established a de facto administration.

UDT forces withdrew into Indonesian territory, and announced that they favored integration with Indonesia. The retreating forces had been met at the border by Indonesian officials who reportedly insisted, as a condition of allowing passage across the border, that the UDT sign a request for integration with Indonesia.*

Both before and after the UDT'S retreat, Indonesian troops had made repeated incursions into East Timor, accompanied by UDT and other Timorese partisans; the Indonesian government claimed that the attacks were solely the work of UDT and APODETI: an extension of East Timor's civil war. Faced with Lisbon's passivity and mounting attacks by Indonesian forces, FRETILIN declared the independence of the Democratic Republic of East Timor on November 28, 1975.

Three days later, Radio Kupang, located in Indonesian territory, broadcast a proclamation of East Timor's integration

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* Jill Jolliffe, [cite book].

with Indonesia. The broadcast said that UDT and APODETI leaders had called on Indonesia to liberate East Timor from FRETILIN's control. In the following days, there were mass evacuations from East Timor, and on December 7, 1975 Indonesian troops invaded East Timor's capital, Dili. Several days later, some 30,000 Indonesian troops attacked Baucau, the second largest [check] city in East Timor.

By all accounts, the invading forces unleashed a campaign of extraordinary violence. Witnesses later described mass executions on Dili Wharf on December 7 and 8. One of the victims was John East, an Australian journalist -- the only foreign correspondent who had not evacuated by the day of the invasion. A witness to the mass executions later described how he and other Timorese had been forced by Indonesian troops to bind victims together with parachute cords, weight them, and drop them into the sea.* By mid-February, the vice-governor appointed by Jakarta said that 60,000 people had been killed in the six months of civil war in East Timor. Since the death toll before the December 7 invasion was thought to be some 2,000 victims, his statement meant that tens of thousands had died in just over two months.**

FRETILIN suspects who were not executed and did not escape were detained, interrogated, and frequently tortured. The former San Tai Ho Company's warehouse in Dili became a notorious

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* [Jolliffe at 86.]

** Id.

torture center, where screams could be heard throughout the night. Survivors later described episodes of electric shocks, beatings, burnings with cigarettes and rapes.*

The Indonesian government announced the establishment of a Provisional Government of East Timor on December 18, 1975. On May 31, 1976, a 37-member "Popular Representative Assembly" that had met in Dili voted to petition President Suharto to accept East Timor as a province of Indonesia. This "act of free choice" led to East Timor's formal annexation on July 17, 1976, but was never accepted as a genuine exercise in self-determination by the United Nations.

Although FRETILIN forces withdrew from Dili after the December 7 invasion, its forces -- joined by UDT and APODETI -- continued to pose armed resistance to the Indonesian occupation. In a series of major offensives aimed at crushing the resistance throughout the remainder of the 1970s and early 1980s, Indonesian troops committed gross violations of human rights on a

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* Id. at 88. See also "'Systematic torture' in East Timor," Canberra Times, April 7, 1988; "A 'hidden holocaust' in the Pacific," The Boston Sunday Globe, December 13, 1987; "Lisbon's refugees from East Timor conflict tell of island's torment," The Anglo-Portuguese News, February 25, 1988.

In July 1983 Amnesty International obtained a set of military manuals, apparently written by officers of the Command for East Timor, which it judged to be authentic. The manual on interrogation methods accepts the use of torture. The Indonesian government has challenged the authenticity of the manuals, but has not produced evidence supporting its position.

staggering scale.* In one, Operasi Keamanan, which was carried out from April to September 1981, Amnesty International reports that "many thousands of civilians aged between 15 and 55 (according to the Indonesian authorities) are reported to have been deployed in human 'fences' to converge on remaining Fretilin positions."**

Some FRETILIN supporters "in the bush" suffered from severe malnutrition, as did others who surrendered or were captured and held in "resettlement camps."*** In November 1979, Indonesia's Foreign Minister acknowledged that the food situation in East Timor might be worse than that in Biafra or Cambodia.****

The last major offensive, known as Operasi Sapu Bersih (Operation Clean Sweep), took place in August-September 1983. It was preceded by the collapse of a ceasefire between FRETILIN and Indonesian forces that was agreed upon in March 1983, and which broke down in August of that year. Although each side to the conflict blames the other for the collapse, there is no genuine dispute over the basic facts surrounding the massacre at Kraras.

In August 1983, FRETILIN forces, joined by some defecting members of the civilian militia, hansip, attacked a group of

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* These are reported in Amnesty International, East Timor Violations of Human Rights: Extrajudicial Executions, 'Disappearances,' Torture and Political Imprisonment, 1975-1984, 1985.

** Id. at 5.

*** See id.

**** Id.

Indonesian soldiers in Kraras, a village near the city of Viqueque. Indonesian troops retaliated, killing perhaps 1,000 residents -- most of the town's officials and the majority of its men between the ages of 15 and 50.* A similar massacre took place in Luca, and the surviving residents of both villages were made to relocate in tightly-controlled resettlement areas.

All told, between 100,000 and 200,000 Timorese are thought to have died as a result of the armed conflict -- perhaps as much as a third of the territory's pre-invasion population.**

B. ARBITRARY ARREST AND DETENTION

In recent years Indonesia's efforts to dispel continued opposition to its control of East Timor appear to have shifted emphasis: the wholesale intimidation that characterized the first decade of its occupation is said to have given way to greater reliance on positive inducements. The new approach revolves around programs of intensive economic development in East Timor, and apparently includes efforts to reduce human rights violations. Jakarta's shift in strategy is thought to have a dual objective: to "win over" the still-resistant Timorese population, and to remove what has remained an irritant in Indonesia's relations with other nations.

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* Estimates of the death toll range as high as 2,000. Victims are said to have included children and the elderly.

** Amnesty International, East Timor Violations of Human Rights: Extrajudicial Executions, 'Disappearances,' Torture and Political Imprisonment, 1985-1984, 1985, at 6.

Perhaps the most visible manifestation of the new human rights initiative has been large-scale releases of political prisoners in recent years. Fifty prisoners detained since 1983 on suspicion of supporting FRETILIN were released in April 1985. Since August 1987, some 150 political prisoners have been released from prisons in Dili. According to the Indonesian state news agency, Antara, the release of 52 prisoners in February 1988 brought the number of officially-acknowledged, non-criminal prisoners in Dili down to 11.* Asia Watch believes that a few more have been released since then.

Most of the recently-released prisoners had nearly completed their sentences, and were released in accordance with a standard policy on remission of sentences.** But the mass releases cannot be explained solely in terms of standard practice; some of those released in February 1988 had substantial sentences remaining. It is widely thought that the releases were prompted, at least in part, by the Indonesian government's desire to improve its tarnished image abroad.

Whatever the motivation behind them, the releases are a welcome development. They have nonetheless served to highlight a pattern of arbitrariness that characterized the released prisoners' arrests and detention. They have also raised the question whether there has been any fundamental change in the

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* See Amnesty International, East Timor: Unfair Trials and Further Releases of Political Prisoners, April 1988 (AI Index: ASA 21/08/88).

** See id.

pattern of arrest and detention of political suspects in East Timor.

1. Circumstances of Past Arrests and Detentions

All [check] of the prisoners released in recent years had been arrested since 1983; perhaps the majority were arrested during Operasi Sapu Bersih, following the collapse of the ceasefire in August 1983. Typically, the detainees were held for an initial period of detention at the district or sub-district military command in the area where they were arrested and then were transferred to Comarca Prison in Dili.

Information based upon testimony of former prisoners and relatives of prisoners indicates that virtually all of the prisoners who were arrested in 1983-84 were initially held for long periods of incommunicado detention, during which many were tortured. Some later "disappeared." On April 27, 1985, 50 detainees arrested during Operasi Sapu Bersih were released without having been charged or tried.

Between 1983 and 1987, some 200 detainees were tried -- all were convicted -- before the District Court in Dili. It appears that these trials were based largely on formal confessions taken during police interrogations at the public prosecutor's office in Dili in a building formerly used by the Club Benfica. Based upon interviews with former detainees and relatives of detainees, Asia Watch believes that two key forms of treatment were systematically employed to obtain their confessions.

First, it appears that none of the prisoners was allowed to see his relatives until he was tried (or, in the case of those released without trial in April 1985, until his release). The detainees at Comarca apparently were told by their interrogators that they had no right to see their families until they were tried, and were urged to confess so that the trials could proceed and they could resume contact with their families. Cristiano Costa, who was arrested in Baucau on August 28, 1983 and was transferred to Comarca five days later, says that his police interrogators also told him that no one could be released unless he had "passed through a court." In his case this proved not to be true; Costa was among those released on April 27, 1985 without having been charged or tried.*

Second, it appears that the public prosecutor often persuaded detainees to testify against other detainees from their own area, and then "bootstrapped" each witness's testimony to build a case against him. According to Costa, when he was being questioned by the police in Dili, two other prisoners from his home town would be present. Had he signed the statement, the two witnesses -- who were not the same people during every interrogation session -- would sign the statement, and it would form the basis of a prosecution.

By signing the statement, the witnesses would not merely be

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* Costa recently managed to leave East Timor, and arrived in Lisbon, Portugal in February 1988. He testified before the United Nations Human Rights Commission in Geneva in March 1988. Asia Watch interviewed him in Lisbon in May 1988.

attesting to the fact that they saw the defendant sign the confession; they would be attesting to personal knowledge of the truth of the facts in the confession. Costa says that in other cases where such witnesses complied with the public prosecutor's efforts, they were later tried themselves. By "admitting" that they had personal knowledge of a defendant's guilt, these "witnesses" often implicated themselves.

This account is consistent with a statement of one of the court-appointed lawyers who represented the defendants in the Dili trials. She told Far Eastern Economic Review that it is "quite normal for an inmate to appear one day on the stand and the next day in the dock."*

Costa's account is also consistent with information published by Amnesty International. According to Amnesty, Carlos Freitas and Jacinto Freitas, both from Wailili, testified against Sebastiao Sarmento, who was also from Wailili.** All three were tried and convicted in February 1985. Similarly, Jose Belo, Jose Freitas and Jose Ximenes -- all of whom are from Gariwai -- reportedly testified against Rafael Xavier, and each became a defendant himself. All four were convicted. According to Amnesty International, "[a]ll of the men in question were peasants with almost no education, and it is unlikely that they

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* "Political prisoners get fast justice in court," Far Eastern Economic Review, August 8, 1985 (apparently paraphrasing source).

** Amnesty International, "East Timor: Unfair Trials and Further Releases of Political Prisoners," April 1988 (AI Index: ASA 21/08/88.)

understood the consequences of their agreement to sign the [interrogation statements] and testify against each other."*

Ironically, this practice appears to have been prompted by the Dili prosecutor's efforts to satisfy a procedural law designed to protect defendant's rights. The Indonesian Criminal Procedures Code (KUHAP) requires that convictions be based on at least two separate sources of evidence.** It appears that the public prosecutor in Dili was especially inclined to find two witnesses to a defendant's interrogation statement when the confession itself was thin.***

By all accounts, the trials in Dili violated international standards of due process. The trials appear to have been perfunctory, with little preparation by defense counsel. When some 100 defendants had been tried, Far Eastern Economic Review reported that all had pled guilty. Three court-appointed lawyers from Kupang who represented all of the defendants in Dili explained that guilty pleas saved time, and that they sought "only to lighten the sentence."****

Statements by the presiding judge similarly suggested that the Dili defendants were not allowed to challenge the accusations

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* Id.

** [cite]

*** See Amnesty International, "East Timor: Unfair Trials and Further Releases of Political Prisoners," April 1988 (AI Index: ASA 21/08/88).

**** "Political prisoners get fast justice in court," Far Eastern Economic Review, August 8, 1985.

against them in any meaningful sense. The head of the District Court, L.P. Siregar, SH, told Sinar Harapan [editor] Albert Hasibuan that "[i]f all trials could be like those in East Timor, the task of the legal profession would be easy."* He explained:

> Those [defendants] who came before the green baize [i.e., the court] are all honest .... When they're asked if the accusation of the prosecutor is correct, they always say yes .... And they never deny anything in their interrogation depositions, so the whole process goes smoothly.**

Indeed, few of the trials lasted more than a week; many reportedly were much shorter.

Perhaps the most striking indication that defendants were not permitted to contest the charges against them is that only one of the defendants tried in recent years has sought to appeal his sentence. Judge Siregar attributes this to the "honesty" of the Timorese defendants. Sinar Harapan reported that, according to Siregar,

> [i]f [the defendants] are sentenced, they never make an appeal, even if their defence counsel urges them to do so. The reason, they say, is that everything they are accused of is true, and they admit their error. "After the sentence is announced, these criminals even express their thanks and ask for a joint photograph!"***

Former detainees and relatives of convicted prisoners offer a different explanation. A relative of one convicted prisoner told Asia Watch that the defendant was told that he had to accept

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* "Is it Wrong for a Child to Return to the Mother Who Gave it Birth?" Sinar Harapan, September 3, 1985.

** Id.

*** "Is it Wrong for a Child to Return to the Mother Who Gave it Birth?," Sinar Harapan, September 3, 1985.

his sentence, and that if he "complained" about it -- i.e., appealed it -- he would get a heavier sentence on appeal.* Cristiano Costa told Asia Watch that one prisoner who at first refused to accept his sentence was threatened. The prisoner, David Dias Ximenas, who is still imprisoned at Cipinang Prison in Jakarta, told Costa that "the military just put in front of him a gun and a pen to choose between."** It appears that the defendant was asked to sign something -- presumably signifying his acceptance of the verdict -- at the time the sentence was rendered.

2. Current Arrest and Detention Practices

If the arbitrary nature of arrests, detentions and trials from 1983 through 1985 is clear, more recent patterns are virtually impossible to establish with certainty. Information about human rights violations in East Timor makes its way out of the territory slowly, and there is typically a large time lapse between an incident and the reliable reporting of it. With human rights organizations unable to visit East Timor, what can be said about current arrest and detention practices is largely limited to official pronouncements and unconfirmed reports.

Official action taken in recent years is generally in the

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* As noted in Chapter III, supra, the KUHAP permits appellate courts to increase defendants' sentences.

** Costa said that he believed that Ximenes, though referring to "the military," may have been referring to the KOLAKOPS. [Define]

direction of improvement: In recent years, the Indonesian government has emptied the detention center on the island of Atauro, which had held over 4,000 prisoners in 1982.* The closing of Atauro is consistent with the government's broader efforts, noted above, to release political prisoners in East Timor.

Moreover, since 1985, at least some degree of independent monitoring of detainees has been possible. In March 1985 the Indonesian government agreed to allow representatives of the Geneva-based International Committee of the Red Cross (ICRC), a neutral humanitarian agency, to visit Timorese prisoners. The government also agreed to provide the ICRC lists of detainees undergoing interrogation to whom the ICRC did not have access.** Since then, the ICRC has periodically visited Timorese prisoners at two places of detention in Dili -- Becora and Comarca*** -- and at two prisons in Jakarta where some Timorese have been sent to complete their prison terms -- Cipinang and Tangerang.****

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* This process began in 1985 and continued throughout 1987. International Committee of the Red Cross, The ICRC Worldwide 1987, at 21.

** International Committee of the Red Cross, Annual Report 1985, at 60.

*** Becora is operated by the Ministry of Justice, and holds both criminal and political prisoners. Comarca, which is administered by the army, is now supposed to be used only for soldiers who commit offenses.

**** International Committee of the Red Cross, Annual Report 1985, at 60; Annual Report 1986, at 58-59. In 1987, ICRC delegates made three series of visits to detainees in East Timor, seeing a total of 231 detainees. International Committee of the Red Cross, The ICRC Worldwide 1987, at 21.

It is widely asserted, however, that the Indonesian government continues to maintain a "shadow detention system" to which the ICRC has no access, in which detainees continue to be held without charge or trial.* Two Timorese refugees in Lisbon who had worked with the ICRC before leaving East Timor** told Asia Watch of instances in which they had learned of places outside Dili where detainees were held without charge or trial -- and without notification to the ICRC.

It is, of course, impossible for Asia Watch to confirm such reports.*** Nevertheless, the nature of arrest procedures in East Timor makes it likely that the basic allegations have some measure of truth. There is a military command in each [check] subdistrict and each [check] district; the former is known as KORAMIL, and the latter as KODIM. Even if a detainee were eventually charged and tried in Dili, he would likely be arrested and initially detained by local authorities. Thus there can be little doubt that Indonesian military authorities operate detention facilities at a local level throughout East Timor.

Timorese refugees in Lisbon say that the babinsa, a military

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* See, e.g., "A 'hidden holocaust' in the Pacific," The Boston Globe, December 13, 1987.

** The refugees were employees of the Indonesian Red Cross, which collaborates with the ICRC in its humanitarian work in East Timor.

*** With limited exceptions, the ICRC follows a policy of strict confidentiality respecting its detention visits, and thus cannot provide information that might tend to confirm or contradict these reports.

supervisor who operates at the village level, sometimes arrests people and sends them to KORAMIL, which may detain the suspect at its own facility, release him, or send him on to KODIM. KODIM, in turn, may either detain the suspect, release him, or transfer him to Dili, where he might be detained at the military headquarters, KOREM -- again without charge or trial -- or might be prosecuted.

Asia Watch has also continued to receive reports that FRETILIN suspects are detained by the Red Berets, [define]. For example, Cristiano Costa claims that, following attacks on August 17, 1987 by FRETILIN in the villages of Laisoro-Lai and Seical -- both in the vicinity of Baucau, the Red Berets "rounded up" a number of suspects and detained them at the Hotel Flamboyan, where some were beaten.

Asia Watch was told of another detention by the Red Berets in Dili, said to have begun in late 1986 and to have lasted at least nine months. Relatives of the detainee reportedly were threatened "not to say anything" about the detention.

It is widely asserted that local military authorities sometimes detain people because of personal vendettas, though detainees in these cases are often accused of having contacts with FRETILIN. These allegations cannot be verified; in the absence of adequate supervision of detention practices, however, such abuses are all but inevitable.

In conclusion, Asia Watch believes it is probable that detainees continue to be detained at KODIM and lower-level

military facilities without charge or trial. We also believe that detentions of several months' duration at these levels are probably relatively common.*

3. Torture

Like reports of arbitrary arrest and detention, reports of torture of detainees in East Timor persist, but are difficult to verify. Instances of torture of some of the detainees arrested in 1983 have been reliably reported, and appear to reflect a widespread pattern of treatment of persons arrested during Operasi Sapu Bersih. Some more recent reports of abuse appear to be credible. There are indications, however, that Indonesian authorities have recently made efforts to curb torture; the lack of access to East Timor makes it impossible to confirm such possible trends.

Cristiano Costa

Cristiano Costa, who was arrested on August 28, 1983 in

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* As noted below, there continue to be reports of torture at such facilities; the fact that these detention centers are not visited by ICRC representatives or by independent investigators increases the risk of such abuses.

It is not clear whether the ICRC could visit such detention centers if it sought permission. Its annual reports for 1985 and 1986 say that ICRC representatives have visited Comarca and Becora, but do not indicate whether attempts were made to visit other detention facilities. To our knowledge, the ICRC generally attempts to visit all detention facilities where detainees may be held for politically-related offenses, but some governments deny the group permission to visit pre-trial detention centers even though they permit ICRC visits to prisons.

Baucau and detained at the KODIM-1628 command there for five days, told Asia Watch that he was severely abused during the second and third nights of his detention. He says he was interrogated on those occasions by three "Indonesians," who were assisted by a Timorese translator. The former were led by a Captain A. Haryanto, and included two sergeants, one of whom was named Sukadi.

Costa, whose two front teeth are missing, told Asia Watch:

> On the second night, they started beating me, and this is when they broke my teeth .... [They] started to beat me. Then I fell face down and I was on the floor with my face down and they stepped on my head with their boots while I was still on the floor and that's how I broke my teeth.

The following night, the same group interrogated Costa again. This time, Costa recalled, they applied electric shocks with a machine that looked like "one of those old-fashioned telephones that you have to crank, and there was some kind of battery or small generator." Two wires that extended from this device were attached to various parts of Costa's body, he asserted, and "the electric current came through when they did this cranking." Costa, who was transferred to Comarca five days after his arrest, says he was also beaten for the first two weeks of his detention -- i.e., at both KODIM-1628 and in Comarca.

Albino Lourdes

Albino Lourdes, who is currently imprisoned at Cipinang in Jakarta, was arrested twice in 1983 and reportedly was severely abused each time. Lourdes, who was employed as a nurse in the

military hospital in Dili, was first arrested in mid-January 1983 and was detained by KODIM in Dili for 15 days. He was accused of "contacting the people in the bush," but was not formally charged with a crime. After his release, Lourdes told someone whom Asia Watch was able to interview that he was beaten and given electric shocks. Then,

> [T]hey put a table on top of his body, and four soldiers got on it. In the morning they took all his clothes off and took him to the seaside with his hands tied behind his back. And then, with the Indonesians holding on to the other side of the rope, they kept throwing him into the water and every five minutes or so they would pull him out.

When Lourdes was about to be released, he was warned that if he told anyone about his treatment, he would be rearrested -- "but this time, the treatment would be far worse."

Lourdes was arrested again on August 12, 1983, this time by agents of KOREM. That night, he was once again given electric shocks and was beaten with rifle butts.*

Reports of Torture in 1986 and 1987

Because of restrictions on access to East Timor, continuing reports of torture tend to emerge long after the alleged incident occurred. The most recent reports of torture which appear

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* The following day, he and several other prisoners were taken to Bali. In November 1983, Lourdes's family learned for the first time that he had been returned to Dili and was detained at Comarca. They were unable to see him, however, until after his trial in [March 1984?]. Lourdes was sentenced to 17 years' imprisonment, having been found guilty of supplying clothes and medicines to the armed resistance.

credible generally concern abuses said to have taken place in 1986 and 1987.

Amnesty International has recently corroborated two instances of torture that allegedly occurred in late 1986 and early 1987, respectively. One of these cases involved Aleixo Gutteres, who was arrested in late 1986 and was accused of collaborating with FRETILIN. Gutteres was detained by KOTIS, the intelligence branch of the regional military command. While detained, Gutteres reportedly was beaten severely and was burned with lighted cigarettes.*

Amnesty International has also obtained independent corroboration in the case of Vicente de Sousa, a retired nurse who was arrested by Indonesian military officers on February 14, 1987. De Sousa reportedly was accused of having desecrated a statue in front of a church in Dili, and was detained for one week by KOTIS. While detained, de Sousa reportedly was beaten and submerged in a tank.**

Asia Watch has been able to obtain independent corroboration of another reported instance of torture publicized by Amnesty International. Celestino Freitas, a former village chief from

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* Amnesty International, "Indonesia/East Timor: Allegations of Torture," March 1988 (AI Index: ASA 21/05/88). Gutteres was tried in early 1987 and was sentenced to seven years' imprisonment.

** Id. Under the circumstances of de Sousa's reported detention, the ICRC would not, under its current arrangement with the Indonesian government, have been in a position to visit de Sousa while he was detained.

Samalari, Baucau, was detained on October 12, 1986 by Indonesian Special Forces. Although Freitas was accused of having links to FRETILIN,* Asia Watch believes that he was denounced by someone for personal reasons. While detained, Freitas reportedly was subjected to electric shocks during interrogations. Under these circumstances, he reportedly implicated two other men -- Egidio Freitas and Patricio Da Luz -- who later were said to have been arrested and tortured themselves.**

Three members of hansip from Venilale, Baucau are also reported to have been arrested in November 1986 and tortured because they did not repay money borrowed from the sub-district military commander of Venilale. The three, Domingos Gutteres from Liabala, Uatu Haku; a different Domingos Gutteres from Lua Ili, Waila'a; and Tito Gutteres from Uatu Haku, reportedly were released in March 1987 after four months' detention.***

Recent Patterns

Some observers with access to East Timor believe that Indonesian authorities no longer routinely torture captured guerrillas or suspected FRETILIN supporters. This change, they say, reflects a fundamental policy shift: "In Jakarta, the

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* The charge apparently grew out of a recent murder of a civilian militiaman, possibly committed by FRETILIN.

** See Amnesty International, "Indonesia/East Timor: Allegations of Torture," March 1988 (AI Index: ASA 21/05/88).

*** Id.

decision has been made to replace the gun with love."*

Informed observers are quick to point out, however, that the process of implementing such a decision is slow; under the best of circumstances, it would take a long time for the effects of such a centralized policy shift to reach remote villages. They also note that the situation "can change in a second," as one knowledgeable observer put it, "and get real bad, real fast."

While Asia Watch welcomes indications that the Indonesian government may have adopted a new policy to curb torture in East Timor, it is clear that any such policy, to be truly effective, must be supported by a formal system of adequate safeguards. Among these, we believe it essential that the government establish adequate procedures for investigating reported incidents of torture and punishing those responsible. Additionally, until East Timor is open to independent human rights monitors, there can be no assurances that torture and other abuses have ended and will not recur.

4. Disappearances

The number of Timorese who have "disappeared"** since 1975 may never be known, but by all estimates the numbers are

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* Raymond Bonner, "The New Order--II," The New Yorker, June 13, 1988, at 86.

** Asia Watch uses the term "disappearance" to refer to circumstances in which it appears that a person was taken into custody by agents of the state, and in which government authorities later deny responsibility for or knowledge of the person's whereabouts.

staggering. Sources whom Asia Watch judges credible place the number close to 100,000. With the exception of a dozen or so cases which the Indonesian government has clarified to the United Nations -- all were found alive -- the government has failed to provide a public accounting of the disappeared.

Today, there are relatively few documented cases of disappearances. This may be partly a function of the typically long lapse between a person's disappearance and the reporting of it by relatives, but Asia Watch believes that there has probably been a decline in the rate of disappearances since 1983-84, when sweeping human rights abuses attended the last major military offensive in East Timor.

Large numbers of suspects detained during Operasi Sapu Bersih entered the grim ledger of East Timor's disappeared during that period. They include five residents of Baucau who were arrested in August 1983: Adolfo Fraga; Antonio Espiritu Santo; Benjamin Gutteres; Isidoro Ximenes; and Carlos Alves. Before his own arrest on August 28, 1983, Cristiano Costa saw the five being arrested with their hands tied behind their backs and taken away in an army vehicle.

The five were taken to Dili, and from there to Kupang some months after their arrest. Other prisoners taken to Kupang who later returned to Dili told Cristiano Costa that the five who disappeared were taken from detention in Kupang, and never returned.

Other prisoners were taken from Comarca prison in pairs at

night in or around November 1983, and were never seen again. These pairs of disappeared include Paulo Mesquita and Alfonso Lorenzo Pereira; Paulo Rodrigues and Feliciano Mau-Siri (?); and Julio Maio and Marcelino Pinto. Helder Araujo and Joao Carvalho Belo were later taken form Comarca, separately.

6. Extrajudicial Executions

Like reports of disappearances, reports of extrajudicial executions have declined since 1983-84. Occasional reports nonetheless persist -- and are difficult to verify.

Reports of extrajudicial executions that have emerged from East Timor in recent years but which have not been corroborated include the following:

- On February 23, 1986, an inmate of a prison in Ossu, Viqueque whose name was "Armando" reportedly was stabbed to death by a military officer and a member of hansip.

- On March 3, 1986 Vatxu Tani reportedly was killed by members of the First Marine Battalion. Vatxu Tani, a tribal chief in Maluro, Lore, Viqueque, reportedly was arrested because he opposed the marines' efforts to cut down casava plants -- a local food staple, which the marines believed provided cover for FRETILIN guerrillas. The victim is said to have been taken on a flight to Lospalos and to have been killed by officers accompanying him during the flight.

- Julio Sarmento reportedly was captured while participating in a FRETILIN raid in Holorua, Same and taken to a post of the Indonesian Special Forces in Ainaro. There, he reportedly was tortured during interrogation and then shot on September 4, 1986.*

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* These three cases were described in the Statement of Amnesty International to the United Nations Special Committee on Decolonization, August 13, 1987.

While it has not been possible for independent human rights organizations to verify these reports, the serious allegations merit investigation by the Indonesian government.* Yet Asia Watch is not aware of any investigations of reports of human rights violations in East Timor by the Indonesian government. According to Amnesty International, "not one person has been prosecuted for alleged human rights offences in East Timor despite admissions from the government that some 'mistakes' may have been committed."**

7. Restrictions on Movement, Speech and Association

By all accounts, residents of East Timor suffer daily violations of fundamental freedoms. One informed observer described the situation this way: "Freedom of movement, association and speech is in no way even imaginable" in East Timor.

Some restraints are embodied in formal controls. For example, residents need a travel permit (surat jalan) to move from one region of East Timor to another; both civilian and military authorities must approve these permits. When permission is granted, the traveler must report to local military authorities upon his or her arrival at the approved destination. In areas where FRETILIN operates, residents reportedly are subject to even tighter controls; permits are needed for even

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* See id.

** Id.

local movement.

Permission is required both to leave and enter East Timor, and these controls continue to be used to seal the territory off from the rest of the world. No human rights organization has been allowed inside East Timor, and few journalists have been able to visit. In recent years, the government has allowed a small number of journalists and diplomats inside East Timor, but their visits were strictly regulated. East Timor Governor Mario Viegas Carrascalao says he would like to open the territory to outsiders,* but his suggestion has not been implemented.

Other forms of contact with the outside world are subject to formal regulation. Permission is needed to place a telephone call from Dili to Jakarta [and mail is censored].

But the most far-reaching restraints are less tangible. They inhere in the intelligence network that pervades East Timor. KOPSCAM, the local arm of KOPKAMTIB, maintains an extensive network of intelligence agents, and its local informants are believed to be omnipresent. It is scarcely an exaggeration to say that, whenever two or more Timorese are together, the suspicion exists that one may be an informant. Whether the perception is justified or not, it exists, and instills a brooding sense of apprehension in the daily lives of East Timor's residents. One recently-arrived refugee in Lisbon recalled, "Everything we used to do, everywhere we used to go and

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* "East Timor Seeks to Open its Doors," The New York Times, March 20, 1988.

people we talked to -- they always knew."

Under these circumstances, speech is guarded, even among close friends. Although residents are not legally forbidden to listen to foreign broadcasts or to speak Portuguese, many avoid doing both, fearing that the secret police will infer a hostile attitude toward Indonesian authority. Residents also avoid meeting socially in even small groups; they say that Indonesian authorities regard such gatherings with suspicion.

Timorese thought to have reason to be sympathetic to FRETILIN -- former political prisoners, for example, or relatives of guerrillas -- are periodically summoned for questioning by military authorities, including miliary intelligence agents. Timorese refugees also describe more aggressive manifestations of intimidation by Indonesian authorities. Every Timorese understands that he or she is expected to yield to military authorities in encounters on the road. "You can't overtake a military vehicle," one refugee explained. "In Tetum [a native dialect], we refer to military vehicles as 'God's cars' and 'Holy Joe's cars.'"

Several refugees described an encounter last year between Governor Carrascalao's son, Pedro, and the West Dili commander of KORAMIL. They say that Pedro Carrascalao's car had begun to cross the Pont de Comoro bridge in Dili, which is wide enough to bear only one vehicle, when the military vehicle sought to cross from the other direction. Carrascalao refused to back off, and the military commander -- not recognizing the governor's son --

reportedly ordered two soldiers to beat him.

Pedro Carrascalao is said to have taken revenge: his bodyguards, members of the military police, reportedly returned the beatings. "But this only happened because Pedro happened to be the governor's son," one refugee explained.

Military personnel are also said to abuse sexually women in East Timor, especially those whose husbands are detained. This reportedly happens especially often in "the interior." Although the victims are often married to political detainees, their own abuse is generally thought not to be politically motivated.

Many Timorese refugees whom Asia Watch interviewed in Lisbon believe that the human rights situation in East Timor has improved in recent years. But each interview evoked stark images of the continuing harshness of Indonesian rule. The fact that virtually all of our contacts asked not to be identified in this report, fearing retaliation against relatives still in East Timor, was eloquent testimony to this.